



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on November 22, 2010 at 9:55 a.m. and on the same date earlier in the morning copies of the Application for Dispute Resolution and Notice of Hearing were personally delivered to the female tenant and male tenant respectively. The female was served at her place of work; the male was served at the rental unit address.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenants did not appear at the hearing.

Preliminary Matter

The tenants have moved out and the landlord has possession of the rental unit; therefore, an Order of possession is not required.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession for unpaid rent?

Is the landlord entitled to a monetary Order?

May the landlord retain the deposit paid by the tenants?

Is the landlord entitled to filing fee costs?

Background and Evidence

This was an 8 year tenancy; rent was \$1,200.00 per month, due on the first day of the month. The tenant paid a deposit in the sum of \$600.00 in July 2003.

The landlord's evidence indicated that on November 9, 2010, a ten (10) day Notice to End Tenancy for non-payment of rent, which had an effective date of November 19, 2010, was served by posting to the tenant's door at 2:25 p.m. with the landlord's wife present as a witness.

The tenants did not pay the rent and the landlord discovered that they had moved out on December 6, 2010.

The landlord has not been paid rent in the sum of \$1,200.00 for each October, November and December, 2010; totalling \$3,600.00.

Analysis

In the absence of the tenants who were served with notice of this hearing, I find that the tenants have not paid rent in the amount of \$3,600.00 from October to December, 2010, inclusive, and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and that the landlord is entitled to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security deposit plus interest, in the amount of \$600.00 plus \$21.25 interest, in partial satisfaction of the monetary claim.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$3,650.00, which is comprised of unpaid rent from October to December, 2010, inclusive and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's security deposit plus interest, in the amount of \$621.25, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$3,028.75. In the event that the tenants do not comply with this Order, it may be served on the tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 10, 2010.

Dispute Resolution Officer